## **EXHIBIT 6**

6/4/2015

ORAL DEPOSITION of MICHAEL J. CHILDS, produced as a witness at the instance of the PLAINTIFF, and duly sworn, was taken in the above-styled and numbered cause on JUNE 4, 2015, from 10:02 a.m. to 4:59 p.m., before Stephanie M. Harper, RPR, CSR in and for the State of Texas, recorded by machine shorthand, at the offices of COZEN O'CONNOR, P.C., 1221 McKinney Street, Suite 2900, Houston, Texas, pursuant to the Federal Rules of Civil Procedure and the provisions stated on the record or attached hereto; that the deposition shall be read and signed before any notary public.

JOB NO. 186050

US LEGAL SUPPORT 713.653.7100

6/4/2015

36 (Pages 141 to 144)

1 he filed. 2 Q. You mentioned a store steward? 3 A. Right. 4 Q. Who has that been at Store No. 10? 5 A. It was Marple Regers. Margie Rogers, who just retired recently. And then Mitch Anderson is still there. It's also a steward. 6 Q. And the other individual you had mentioned not the store steward, but the not the store steward, but the not the store steward, but the specifically what they were. 10 A. Business agent? 11 Q. Business agent. Thank you. 12 A. That was Walter Bailey. He has also retired, though. At the time - at that time, it was Walter Bailey. They's e got a different business agent today. 14 Martio. 15 It's Martio - I can't think of his last name, but 16 Martio. 16 Martio. 17 Q. When did Walter Bailey leave or retire? 18 A. Geressing, two years ago. 19 Q. Fair to say be was out there during the 20 2011/2012 time frame? 20 Q. Going back to this grievance process, to your showledge, can an employee grieve of sexual harassment in the workplace to their union? 21 A. That would be correct. 22 Q. Going back to this grievance process, to your showledge, can an employee grieve of sexual harassment in the workplace to their union? 23 showledge, can an employee grieve of sexual harassment in the workplace to their union? 24 In the workplace to their union? 25 MR BARRON Objection, foundation.  142 1 A. I don't know. 2 Q. (BY MR. CAYCEDO) To your knowledge, has an employee at Kroger, associate or employee, ever filed a grievance reliced to - to you personally, to your management or anything along those lines? 3 Q. (BY MR. CAYCEDO) Sure. Are you aware if the — an employee has ever filed a grievance through the unit related to you, to your management? 3 Q. (BY MR. CAYCEDO) Sure. Are you aware if the — an employee has ever filed a grievance through the unit related to you, to your management? 4 Q. (BY MR. CAYCEDO) Sure. Are you aware if the — an employee has ever filed a grievance through the unit related to you, to your management? 4 Q. (BY MR. CAYCEDO) Sure. Are you aware if the — an employee has ever filed a				36 (Pages 141 to 144)
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9 Not the store steward, but the — 9 Q Okay As you sit here today, do you ever recall Walter telling you that Robert had complained to a proper product of the proper product of the proper product of the product of th	O	O. And the other individual you had mentioned	В	
10 A. Business agent? 11 Q. Business agent. Thank you. 12 A. That was Walter Bailey. Ile has also retired. 13 though. At the time at that time, it was Walter 14 Bailey. They've got a different business agent today. 15 It's Mario I can't think of his last name, but 16 Mario. 17 Q. When did Walter Bailey leave or retire? 18 A. Guessing, two years ago. 19 Q. Fair to say he was out there during the 20 2011/2012 time frame? 21 A. That would be correct. 22 Q. Going back to this grievance process, to your 23 knowledge, can an employee grieve of sexual harassment in the workplace to their union? 24 In the workplace to their union? 25 MR. BARRON: Objection, foundation.  142 1 A. I don't know. 2 Q. (BY MR. CAYCEDO) To your knowledge, has an employee at Kroger, associate or employee, ever filed a grievance related to to you personally, to your management or anything along those lines? 3 A. Say that again? 4 Q. (BY MR. CAYCEDO) Sure. Are you aware if the an employee aver filed a grievance related to you, to your management? 4 A. Against the store or the store in general. I don't know if it was directed towards me individually. 4 A. Not to me, I don't believe it was addressed to. It was addressed to. It was addressed to the store 2 Q. Okay. 4 A. I believe anyway. 5 Q. You're not aware of being subthe subject of any grievance since you've been at Store No 10, are you? 6 A. Police officer arrived at my store and today. 7 A. Police officer arrived at my store and store			9	
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18 A. Guessing, two years ago. 19 Q. Fair to say he was out there during the 20 2011/2012 time frame? 21 A. That would be correct. 22 Q. Going back to this grievance process, to your 23 knowledge, can an employee grieve of sexual harassment in the workplace to their union? 24 in the workplace to their union? 25 MR. BARRON: Objection, foundation.  142  1 A. I don't know. 2 Q. (BY MR. CAYCEDO) To your knowledge, has an employee at Kroger, associate or employee, ever filed a grievance related to — to you personally, to your management or anything along those lines? 4 A. Say that again? 5 MR. BARRON: Objection; vague. 6 Q. (BY MR. CAYCEDO) Sure. Are you aware if the —an employee has ever filed a grievance through the unit related to you, to your management? 1 A. Against the store or the store in general. I don't know if it was directed towards me individually. 2 Q. All right. 3 A. Not that I can recall right now, Q. 2012 As 1 understand, but I'm not go on that morning, is that correct?  A. I don't know.  2 Q. (BY MR. CAYCEDO) Objection, foundation.  1 Q. (BY MR. CAYCEDO) Okay. Through investigation, have you done — have you looke work schedules for that particular morning to s was there on April 6th, 2012?  A. I don't know. I can't remember if I don't know. I can't remember if I don't know. I can't remember if I don't know of the unit related to you, to your management?  A. Against the store or the store in general. I don't know if it was directed towards me individually.  Q. All right.  A. Not to me, I don't believe it was addressed to the store —  Q. Okay.  A. I believe anyway.  Q. All right.  A. I believe anyway.  Q. And how were you first made aware of incident between David Castillo and Robert Su David holding the knife to Robert's throat?  A. I believe it was the next day, which was guess, the 7th, next day.  Q. And how were you first made aware of incident between David Castillo and castillo a				-
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22 Q. Yes, sir. 22 Q. Do you recall which officer that was?		· · · · · · · · · · · · · · · · · · ·	ł.	
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25 that correct? 25 you had with Mr. Delgado?		-		Q. Do you recall anything about that conversation
you had with Mr. Delgado?	mut WI	tions withhit.	2.5	you mid with Mr. Ocigado?

6/4/2015

37 (Pages 145 to 148)

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	145		147
1	A. Not specifically. I don't remember the	1	memory at all as to whether that conversation took
2	conversation. I know he brought it to my attention,	2	place?
3	and I know I called Tony to come upstairs and discuss	3	A. No, it really does not.
4	it with me, too, because I had not heard anything about	4	Q It says. "Mr Childs further explained
5	it prior to that.	5	Mr. Salinas alleged Mr. Castillo had pinched him on the
6	Q What exactly was it that Officer Delgado	6	buttocks."
7	brought to your attention?	7	Did I read that correctly?
8	A. That - I believe that Robert had filed a	Θ	A. Yes, you did.
9	report or something with them alleging, I guess, that	9	Q Okay. You still don't recall having that
10	David Castillo had grabbed him around the throat and	10	conversation with the officer?
11	put a knife to his throat.	11	A. I really do not.
12	Q. Have you ever seen the report that the	12	Q It states "Mr Childs could not explain how
13	Rosenberg Police Department did for that incident?	13	and if Mr. Castillo was disciplined, but could advised
14	A. No. I believe my attorney mentioned a little	14	the two were separated and not scheduled to work
15	bit of it to me. But 1	15	together *
16	Q And again	16	Did I read that correctly?
17	MR_BARRON Don't talk about that	17	A. Yes, you did.
18	Object attorney-client privilege	18	Q. And you don't recall having that conversation?
19	Q (BY MR_CAYCEDO) I don't want to get into	19	A. I wish I did, but I do not.
20	discussions you've had with your attorney	20	Q And at some point in time, you stated that
21	A. Okay. Then outside of my attorney, no.	21	well, let me ask you this. What all do you recall
22	Q Let me just hand you what was marked as	22	telling the officer when they arrived that morning?
23	Exhibit 9 And I'll give you an opportunity to look	23	A. And I don't remember the conversation, what we
24	that over	24	really really had. I know I called Tony up there,
25	MR CAYCEDO Sorry, David Edidn't	25	and he told us about the incident, but I don't remember
1	146		148
_	bring any extra copies.	1	the conversation whatsoever, and I wish I did.
2	MR. BARRON: If it's something I need, I	1 2	the conversation whatsoever, and I wish I did.  Q. Okay Well, at some point, you called Tony?
	* '		the conversation whatsoever, and I wish I did.  Q Okay Well, at some point, you called Tony?  A. Yes, I did. I remember that he came up there.
2	MR. BARRON: If it's something I need, I	2	Q. Okay Well, at some point, you called Tony?
2	MR. BARRON: If it's something I need, I can always go run and get it.	2	Q. Okay Well, at some point, you called Tony? A. Ves, I did. I remember that he came up there.
2 3 4	MR. BARRON: If it's something Unced, I can always go run and get it. MR. CAYCEDO: Fair enough.	2 3 4	<ul> <li>Q. Okay Well, at some point, you called Tony?</li> <li>A. Yes, 1 did. 1 remember that he came up there.</li> <li>Q. You called him over the PA and</li> </ul>
2 3 4 5	MR. BARRON: If it's something I need, I can always go run and get it.  MR. CAYCEDO: Fair enough.  MR. BARRON: Or I can peek over his	2 3 4 5	<ul> <li>Q Okay Well, at some point, you called Tony?</li> <li>A. Yes, I did. I remember that he came up there.</li> <li>Q. You called him over the PA and</li> <li>A. I would assume, yes.</li> </ul>
2 3 4 5 6	MR. BARRON: If it's something I need, I can always go run and get it. MR. CAYCEDO: Fair enough. MR. BARRON: Or I can peek over his shoulder, either way.	2 3 4 5	<ul> <li>Q Okay Well, at some point, you called Tony?</li> <li>A. Yes, I did. I remember that he came up there.</li> <li>Q You called him over the PA and</li> <li>A. I would assume, yes.</li> <li>Q he called you, and you said, "Why don't you</li> </ul>
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2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22	MR. BARRON: If it's something I need, I can always go run and get it. MR. CAYCEDO: Fair enough. MR. BARRON: Or I can peek over his shoulder, either way. Q. (BY MR. CAYCEDO) Okay. On Page 3 of 10, do you see how the exhibit here is numbered towards the top right-hand corner? A. Got it. Q. Page 3 of 10, if you go to that bottom full paragraph there, under "Officer Investigation"; do you see that? A. 1 do. Q. It states: "I traveled to Kroger and spoke with manager Michael Childs (DOB: 7/25/51)"; is that your date of birth? A. That is correct. Q"who advised he could" "he could recall an incident where Mr. Salinas accused an employee, David Castilloof harassing him while at work." Do you recall having that conversation	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22	Q Okay Well, at some point, you called Tony?  A. Yes, I did. I remember that he came up there. Q You called him over the PA and A. I would assume, yes. Q he called you, and you said, "Why don't you come up to the office here," something along those lines? A. Something along those lines. Q And what did Tony say when he arrived? A. I don't remember that either, honestly. I mean, I just don't remember that whole conversation there. I do remember the police officer telling me not to do anything at that time. I remember don't do my own investigation, let them handle it. But I don't remember what I told the officer or Tony told the officer. I really don't. I think if anything, I was surprised about the whole thing. You know, somebody put a knife to somebody's throat, but I don't remember what the discussion was. I honestly do not. Q Okay Do you remember how long that conversation took?

6/4/2015

39 (Pages 153 to 156)

			39 (Pages 153 to 156)
	153		155
1	to I guess the next thing that happened after you had	1	A. Time.
2	the discussion with Athar and Martha?	2	Q Hours?
3	A. Yes, it did.	3	A. Right.
4	Q Okay So it looks like that discussion you	4	Q But the work schedules for that particular
5	mentioned a moment ago happened on April 9th, is that	5	time frame would reflect whatever they were working?
6	сопест?	6	A. I would the schedules, maybe not the
7	A. Yeah, that's correct.	7	schedules. We might have changed the schedules. The
8	Q Okay. So what was the next thing that took	8	actual time sheets, 1 - to the best of my
9	place after that discussion with	9	recollection, we made some adjustments at least to
10	A. Well, sometime that day	10	David's schedule so he wasn't working to the time that
11	Q HR?	11	Robert was scheduled. Now, the schedules are made the
12	A probably sometime the same day, I tried to	12	week before. So if we made those adjustments, they
13	call the Rosenberg Police Department, which - to find	13	might not be reflected on the actual schedule that was
14	out what they what they were going to do or	14	written.
15	something to investigate the case. They gave me a case	15	Q Okay Do you know if there would be any
16	number, and the detective who was assigned to the case.	16	document that would show when they were working, Robert
17	I then was able to talk to Detective	17	and David Castillo, between the dates of April 7th and
18	Montford about the case, who asked me for the schedule	18	April 12th?
19	of three associates. He said he'd be in contact it	19	A. I mean, if they could go back that far on the
20	would be in contact with them for interviews. So that	20	timecards and look, I guess you could see.
21	would have been on the 9th.	21	Q. Okay. So then you had a conversation with the
22	Q All right	22	Detective Montford on April 12th, is that correct?
23	A. So a couple of days go by, and nothing's	23	A. That is correct.
24	happened. And I think several times I said I called	24	Q And at that time, that's when he told you it
25	and left a Montford an update update. And I	25	was okay to go ahead and start your investigation?
	154		156
	think I left several messages, actually. I called	1	A. Right. He said he would be attending a
2	trying to say, "When are we going to do something?	2	funeral or something out of town, and he would be in to
3	When are we going to do something, because we need to	3	talk to Andres, but we could go ahead and begin our own
4	move on with this. What was going to happen?"	4	investigation.
5	Finally you want me to move on?	5	Q Okay And what how did you what did you
7	Q Well, let me ask. During those days, the 8th,	6	do then <sup>4</sup>
8	the 9th, the 10th, and the 11th, to your knowledge was	7	A. Well then, I immediately started trying to
9	David Castillo still working in the produce department	8	gather statements. And that's when I asked Robert to
10	on the was he scheduled to work those days?  A. Yes, but we made some adjustments to the	9	get a statement. Either I asked him, or I had
11	• • • • • • • • • • • • • • • • • • • •	10	Ms. Mendoza ask him to get a statement. I'm not sure
12	schedule and separated them, so they weren't working together.	11	if we whether we both did or what. But I know I
13	Q Okay But he was still on the premises?	12	asked him, and I think she followed up. Possibly both
14	A. He was still on the premises?	13	did or one of us did ask him to get a written
15	Q. Do you know if he was still on the premises	14 15	statement. As well as with - yeah, okay.
16	around the same time that Robert Salinas was?	16	Q Other than you and Miss
17	A. To the best of my recollection, we we	17	A. Mendoza?
10	separated them so they at least weren't working	18	Q. — Mendoza Okay Mendoza Other than you
19	together. So I don't believe that they were together,	19	and Ms. Mendoza, anybody else at Kroger involved in that investigation?
20	but to my I don't believe they were.	20	
21	Q Okay When you say they weren't working	21	MR_BARRON: Objection, vague as to
22	together, do you mean in areas of the store or same	22	"involved"
	500 M	23	A. Yeah, what do you mean by "involved"? I mean, I I you know.
	SMIRS/		
23	shifts?		AND SECURE AND ADDRESS OF THE PARTY OF THE P
	A. Schedules. O Schedules	24 25	Q (BY MR CAYCEDO) You're good at picking up on the objections

6/4/2015

42 (Pages 165 to 168)

1		-	
	165		167
1	can't really say that, because it would depend.	1	deposition. Do you recognize that document?
2	Q (BY MR CAYCEDO) If an employee, one of your	2	A. Yes.
3	associates, came to a department manager and complained	3	Q. Have you ever seen that document before today?
4	of being grabbed on the rear end, and saying that it	4	A. Ves.
5	was unwelcome or unwanted, do you believe that's	5	Q.: When was the last time you've seen this
6	something your department manager should document?	6	document?
7	A. I think it should be investigated.	7	A. About a week ago.
8	Q And as part of that investigation, do you	8	Q. Is this among the documents you reviewed?
9	believe there should be some documentation concerning	9	A. That is yes.
10	that complaint?	10	MR. BARRON: Let him finish just for the
11	A. I guess that would kind of depend.	11	record.
12	Q And I know you don't recall as you sit here	12	MR. CAYCEDO: That's all right. It's
13	today, when you spoke to Tony, if you did 1 know you	13	natural
14	said that you assume that you did. Do you remember	14	MR. BARRON: You're doing really good,
15	having any conversations with him about what he may	15	though,
16	have witnessed or observed before April 6th, 2012?	16	Q. (BY MR. CAYCEDO) Do you know whose
17	A. I know when we were - we had talked about	17	handwriting this is on Exhibit 14?
18	it - especially - I mean, when we talked about it,	18	A. I can guess.
19	whenever it was back in those days and all, I know he	19	Q. All right.
20	witnessed some of the the the horseplay that was	20	A. It was not mine.
21	going on back there, if you want to call it that, in	21	Q. Fair enough.
22	the back room, which was probably not appropriate. But	22	Do you have a what's your best guess; was
23	of the other issues, the sexual harassment, he told me	23	it William's or Athar's?
24	he never witnessed any of that.	24	A. I think it's Athar's.
25	Q Okay You say "horseplay " Who who came	25	Q. Okay. Was there anyone else involved in that
ļ			
	166		168
1	up with that word? I mean, is that something that you	1	168 meeting besides you, Athar, William, and Robert?
2	up with that word? I mean, is that something that you identified it as being, as horseplay, or Tony just said	1 2	Ø-
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6/4/2015

46 (Pages 181 to 184)

181 183 1 him. 1 A. I think it was a little of both. 2 So the police officer walks in to talk to 2 Q All right. His payroll records, would those 3 him. They had a brief discussion. I wasn't in that 3 reflect whether he was being paid during that period of 4 discussion. And then they left. And he told David to 4 time, to your knowledge? meet him down at the police station. 5 A. It probably would. You mean while he was on 6 Didn't know what was going on. A little 6 vacation or not working or whatever? 7 later, the police officer came back and told me that 7 Q Yes. 8 David had admitted to it. I don't remember any of the A. He was only working a couple of days a week at В 9 details of what he admitted to. I might have asked 9 that time, anyway. So it wasn't -- he had some 10 him. I -- I just don't recall what he admitted to. If 10 problems with diabetes or something, so he was limited 11 he told me at all, I -- I don't recall. 11 on how much he would work. 12 After that, really don't know what 12 Q And as you sit here today, are you certain 13 happened. I believe Robert told me some things, that 13 that he was suspended without pay pending advisement? 14 he might have been in jail or something, too. But most 14 A. The only thing I would say is if the vacation 15 of that came from that; it came from Robert telling me 15 went ahead and went through, he might have got paid 16 what he knew about it. 16 vacation. I cannot tell you for 100 percent sure where 17 Q. Okay. Any conversations you had with David 17 the vacation fell, I mean. But after that point, 18 Castillo after that meeting where the police officer 18 unless some of that vacation was still being paid, and 19 showed up to the store? 19 I'm not sure when it was processed, I cannot tell you 20 A. I don't believe I ever talked to him since, 20 for sure. I don't -- that was not the intent to have 21 that I can recall. 21 him paid, though. 22 Q. Do you have any idea as to Mr. Castillo's 22 Q And do you remember when that conversation was 23 whereabouts today; have you ever seen him around town 23 that you had with David Castillo? 24 24 MR BARRON When you say "that 25 A. No, I heard at one point from somewhere that 25 conversation," which one are you talking about? 182 184 1 he was in Dallas. And somebody else said he's back in 1 Q. (BY MR. CAYCEDO) The one where the officer 2 the Rosenberg area, but I have no idea. 2 showed up and said that they were going to go down to 3 Q. He hasn't -- you haven't seen him or observed 3 the station and --4 him back out at the store since? 4 A. That was on the 19th. 5 A. No. I have not. 5 O. On the 19th? 6 Q. All right. You mentioned you were putting him б Did you have Mr. Castillo, I guess, fill 7 on suspension pending an investigation. 7 out a resignation form at that time? 8 A. Or pending advisement. В A. Yes. 9 Q. Pending advisement. 9 Q. I'm not going to hold you to an exact number, 10 What - what does that mean? 10 and I'm sure you've had multiple conversations with 11 A. Probably advisement to see if we were going to 11 Robert since the incident; is that fair? 12 terminate him. 12 A. That's fair. 13 Q. All right. Now, is that a suspension without 13 Q. Okay. Do you know roughly how many 14 pay? 14 conversations you had afterwards regarding the 15 A. Absolutely. 15 incident, the April 12th, 2000- -- or excuse me, the 16 Q. All right. Your notes say in the chronology 16 April 6th, 2012, incident? 17 here under April 12th, you said: "David placed on 17 A. Oh, it was a lot of them. I mean, Robert 18 vacation next week." 18 would tell me a lot of times that he was -- he was 19 A. That was when we were keeping them separated 19 scared. He thought somebody might be driving by his 20 prior to the police officer or whatever. So it was 20 house, what should be do. I mean, it was -- I don't 21 prior to that. It was just a way to keep them 21 want to say it was a daily thing. But it was quite 22 separated. 22 often for a while after that incident we would talk. 23 Q. All right. So did you place him on vacation 23 So I can't even begin to put a number on that, 24 to keep them separated, or did you put them on separate 24 Q. Fair enough: 25 shifts or -- I'm just trying to make sure I understand. 25 Do you remember if at any point in time

6/4/2015

53 (Pages 209 to 212)

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	209		211
1	Q Okay Advisement of what?	1	THE WITNESS Okay
2	A. Advisement from human resources to terminate	2	FURTHER EXAMINATION
3	him.	3	BY MR. CAYCEDO
4	Q. Okay Had to your knowledge, had Kroger	4	Q How many suspensions pending advisement have
5	made the decision whether or not to terminate	5	you issued since you've been a store manager at Kroger?
6	Mr. Castillo at the point where he was put on	6	A. I have no idea.
7	suspension pending advisability of discharge?	7	Q Okay When you issue a suspension pending
8	A. That was the plan. After we had the - after	8	advisement, is that something you typically document?
9	we had the conversations that day, it was decided that	9	A. Typically, I can't say always.
10	we were going to terminate him - yeah, to terminate	10	Q Did you ever document David Castillo's
11	him.	11	suspension pending advisement?
12	Q Okay And the first step again, the first	12	A. I might have put it in that timeline possibly.
13	step under Kroger policy to a termination is what?	13	I don't know. I'd have to see that again, if I put
14	A. To put him on suspension pending advisement	14	that I actually wrote that in there or not.
15	for termination.	15	Q Sure. You can take a look at the timeline
16	Q Okay	16	MR BARRON Ebelieve it was 16
17	A. And actually, you know, David asked me at that	17	MR_CAYCEDO_Somewhere around there.
18	time what it meant. I told him or asked me what was	18	yeah
19	going to happen. I said, "Well, I'm pretty sure you're	19	Q. (BY MR. CAYCEDO) There you go. There you go
20	getting ready to be terminated."	20	I'll hand you Exhibit 16 That's your chronology there
21	Q Okay	21	or timeline. I'll give you an opportunity to look that
22	A. And that's when he asked me if he could	22	over
23	resign.	23	A. I told David he would be suspended
24	Q All right. Did you take any other actions	24	suspended pending advisement for discharge. Talso
25	with respect to limiting Mr. Castillo's ability to come	25	gave him the option to resign, which he did. Yeah, I
			(A)
	210		212
		ļ	
1	back in the store?	1	
1 2		1 2	did.
ı	back in the store?  A. Yeah, I told the police officer, "Put a criminal trespass on him."	2	did. Q. Aside from making a note in chronology or
2	A. Yeah, I told the police officer, "Put a	2	did.  Q. Aside from making a note in chronology or making a note, when you've done suspensions pending
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2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24	A. Yeah, I told the police officer, "Put a criminal trespass on him."  Q. What does that mean?  A. When they walked out, he cannot legally come back in the store.  Q. Okay. And if he did, what what would happen?  A. He could be arrested immediately.  Q. All right.  A. And I think I told Robert that, too, at the time, too, because I know that was a concern. And I you know, we didn't want him in the store.  Q. To your knowledge, is there anything else you could have done to keep Castillo out of the store, other than the steps you took?  A. Not that I'm aware of.  Q. One last question: Have you observed anything with respect to Robert Salinas writing during the deposition today?  A. He's been taking some notes.  Q. Okay.  MR. BARRON: Pass the witness  MR. CAYCEDO: Okay. Brief follow-up,	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23	did.  Q. Aside from making a note in chronology or making a note, when you've done suspensions pending advisement in the past, is there a form that you can fill out within the world of Kroger?  A. I mean, you could actually put it on a CA. I guess you could put it on a CA what you did. But that's the only form I know of.  Q. Have you done that in the past, documented a suspension pending advisement on a CA?  A. I can't recall.  Q. All right. You didn't do that here  A. No, I did not.  Q with David Castillo?  A. No.  Q. Okay. And you said that decision was made to that in fact, that's what y'all were going to do, was ultimately terminate Mr. Castillo, correct?  A. That is correct.  Q. And why didn't you just terminate  Mr. Castillo, rather than giving him the option to resign?  A. Welt, in Krogerland, we always give

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                 MR. FRANCISCO CAYCEDO - 03:56
                 MR. JOSHUA ESTES - 00:05
 2
                 MR. DAVID L. BARRON - 00:04
                 MR. BROCK C. AKERS - 00:00
 3
            I further certify that I am neither counsel
   for, related to, nor employed by any of the parties or
 4
  attorneys in the action in which this proceeding was
 5
  taken, and further that I am not financially or
 6
 7
  otherwise interested in the outcome of the action.
 8
            GIVEN UNDER MY HAND AND SEAL OF OFFICE. on
  this, the 13TH day of JUNE, 2015.
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13
                        STEPHANIE M.
                                     HARPER,
                                              CSR
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                        Certification No.:
                        Expiration Date: 12-31-16
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16
  U.S. Legal Support, Inc.
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  JOB NO. 186050 [MICHAEL J. CHILDS]
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